

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 _____
5 UNITED STATES OF AMERICA,

6 Plaintiff,

DOCKET NO. 1:20-mj-416

7 vs.

8 ADAM FOX,

9 Defendant.
10 _____/

11 TRANSCRIPT OF DETENTION HEARING

12 BEFORE UNITED STATES MAGISTRATE JUDGE SALLY J. BERENS

13 GRAND RAPIDS, MICHIGAN

14 October 16, 2020
15

16 Court Reporter: Glenda Trexler
17 Official Court Reporter
18 United States District Court
19 685 Federal Building
20 110 Michigan Street, N.W.
21 Grand Rapids, Michigan 49503

22 Proceedings reported by audio recording, transcript produced by
23 computer-aided transcription.
24
25

1 A P P E A R A N C E S:

2 FOR THE GOVERNMENT:

3 MR. NILS R. KESSLER
4 UNITED STATES ATTORNEY'S OFFICE
5 330 Ionia Avenue, N.W.
6 P.O. Box 208
7 Grand Rapids, Michigan 49501-0208
8 Phone: (616) 456-2404
9 Email: Nils.Kessler@usdoj.gov

7 MR. AUSTIN JACOB HAKES
8 UNITED STATES ATTORNEY'S OFFICE
9 330 Ionia Avenue, N.W.
10 P.O. Box 208
11 Grand Rapids, Michigan 49501-0208
12 Phone: (616) 456-2404
13 Email: austin.hakes@usdoj.gov

11 FOR THE DEFENDANT FOX:

12 MS. HELEN C. NIEUWENHUIS
13 FEDERAL PUBLIC DEFENDERS OFFICE
14 50 Louis Street, N.W., Suite 300
15 Grand Rapids, Michigan 49503-2633
16 Phone: (616) 742-7420
17 Email: Helen_nieuwenhuis@fd.org

16 * * * * *

Grand Rapids, Michigan

October 16, 2020

1:33 p.m.

P R O C E E D I N G S

THE COURT: All right. We are back on the record for the bond hearing for Mr. Fox.

Is the government ready to proceed?

MR. KESSLER: Yes, Your Honor.

THE COURT: And, Ms. Nieuwenhuis, how would your client like to proceed?

MS. NIEUWENHUIS: Your Honor, I've discussed this with Mr. Fox, and I think for today's purposes we would be waiving that hearing, and if circumstances change, we would ask the Court to reconsider.

THE COURT: Thank you, Ms. Nieuwenhuis.

MS. NIEUWENHUIS: Uh-huh.

THE COURT: All right. Mr. Fox, did you understand what your lawyer just said?

THE DEFENDANT: Yes, ma'am.

THE COURT: Do you understand that you have the right to have a hearing on bond?

THE DEFENDANT: Yes, ma'am.

THE COURT: And at that hearing the government would have to prove either by a preponderance of the evidence that no condition or combination of conditions would reasonably assure

1 your appearance or by clear and convincing evidence that you're
2 a danger to the community.

3 Do you understand that?

4 *THE DEFENDANT:* I understand, ma'am.

5 *THE COURT:* All right. And is it your intention to
6 waive your right to that hearing today?

7 *THE DEFENDANT:* Yes, Your Honor, it is.

8 *THE COURT:* Did anyone threaten you with anything or
9 promise you anything to get you to give up your right to that
10 hearing?

11 *THE DEFENDANT:* No, Your Honor.

12 *THE COURT:* Is that a freewill choice by you?

13 *THE DEFENDANT:* Yes, Your Honor.

14 *THE COURT:* Well, I find that it is and that the
15 defendant is making a knowing and voluntary waiver of his right
16 to a bond hearing.

17 So what will happen next is you will be bound over
18 for proceedings before the grand jury. In the meantime
19 Ms. Nieuwenhuis will stay in contact with you and continue to
20 work with you regarding your case and you'll be held in
21 marshals custody pending further proceedings.

22 Do you understand?

23 *THE DEFENDANT:* Yes, ma'am.

24 *THE COURT:* And did you understand everything that
25 happened in court today?

1 *THE DEFENDANT:* Yes, Your Honor.

2 *THE COURT:* All right. Then we will break for before
3 the next proceeding.

4 *THE CLERK:* All rise, please. Court is in recess.

5 *(Proceeding concluded at 1:34 p.m.)*

6 * * * * *

7 CERTIFICATE

8 I certify that the foregoing is a transcript from the
9 Liberty Court Recording System digital recording of the
10 proceedings in the above-entitled matter, transcribed to the
11 best of my ability.

12 I further certify that the transcript fees and format
13 comply with those prescribed by the court and the Judicial
14 Conference of the United States.

15
16 October 26, 2020

17
18 /s/ Glenda Trexler
19 Glenda Trexler, CSR-1436, RPR, CRR
20
21
22
23
24
25